**THE HON'BLE MR JUSTICE GODA RAGHURAM**

–

**WRIT PETITION NO : 1979 of 2006**

Between:

M/s Nihar Info Global Ltd.

… Petitioner

and

Regional Provident Fund Commissioner and another

… Respondents

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

–

**WRIT PETITION NO : 1979 of 2006**

**ORAL ORDER:**

The petitioner a software company; admittedly, fell in arrears of Provident Fund Contributions.

On 27.01.2006, the first respondent issued a certificate directing the second respondent to recover the balance amount of Rs.7,23,865/- which are the current dues payable by the petitioner towards Provident Fund Contributions. On the quantum there is no dispute.

The petitioner's singular submission is that it is not in a position to pay all the amounts demanded at once and is ready and willing to pay the amount due in installments. Admittedly, the petitioner has made no representation to the first respondent in this regard.

The learned counsel Mr. R.N. Reddy appearing for the respondents submits that the Central Provident Fund Office is empowered to grant installments on an application made by the institution which has defaulted in payment of the provident fund contributions. It is further submitted on behalf of the respondents that the petitioner has made no representation to the Central Provident Fund Office. This Court cannot *sui generis* exercise the discretion that the Central Provident Fund Office has under the statute. If the Central Provident Fund Office had been petitioned by the petitioner for grant of installments and had refused such a request arbitrarily, then alone does judicial review come into play.

For the aforesaid circumstances, the writ petition is dismissed. The petitioner is at liberty to represent to the Central Provident Fund Office, New Delhi seeking installments for payment of the dues demanded in the proceedings of the first respondent dated 27.01.2006. On such representation being made, this Court is not in doubt, the representation would be considered within the plenitude of administrative discretion that the Central Provident Fund Office has. No costs.

**GODA RAGHURAM,J**

Dated: 24-02-2006

kvrm